

ferry, bridge, and similar fares and tolls, or for the use of privately owned vehicles at a fixed rate a mile plus parking fees, shall be defrayed by the department or agency under which he is serving, or the member is entitled to be reimbursed for the expense.

(b)(1) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who performs emergency duty described in paragraph (2) is entitled to travel and transportation allowances under section 404 of this title for that duty.

(2) The emergency duty referred to in paragraph (1) is duty that—

(A) is performed by a member under emergency circumstances that threaten injury to property of the Federal Government or human life;

(B) is performed at a location within the limits of the member's station (other than at the residence or normal duty location of the member);

(C) is performed pursuant to the direction of competent authority; and

(D) requires the member's use of overnight accommodations.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 475; Pub. L. 99-145, title VI, §619(a), Nov. 8, 1985, 99 Stat. 642; Pub. L. 100-26, §8(d)(6), Apr. 21, 1987, 101 Stat. 285; Pub. L. 102-190, div. A, title VI, §623, Dec. 5, 1991, 105 Stat. 1379.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
408 .....	40:491(m).	June 30, 1949, ch. 288, §211(m); added Sept. 1, 1954, ch. 1211, §2 (13th par.), 68 Stat. 1126.

The words “(as defined in the Career Compensation Act of 1949, as amended)” and “so directed” are omitted as surplusage. The words “official business of the United States” are substituted for the words “official Government business”.

#### AMENDMENTS

1991—Pub. L. 102-190 designated existing provisions as subsec. (a) and added subsec. (b).

1987—Pub. L. 100-26 substituted “privately owned” for “privately-owned”.

1985—Pub. L. 99-145 inserted “plus parking fees” after “fixed rate a mile”.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Section 619(b) of Pub. L. 99-145 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to parking fees incurred after September 30, 1985.”

### § 409. Travel and transportation allowances: house trailers and mobile homes

(a)(1) A member, or in the case of a member's death, the member's dependent, who would otherwise be entitled to transportation of baggage and household effects under section 406 of this title, may be provided transportation of a house trailer or mobile home dwelling within the continental United States, within Alaska, or between the continental United States and Alaska (or reimbursement for such transportation), if the house trailer or mobile home dwelling is

intended for use as a residence by such member or dependent. Such transportation may be limited to such modes and maximum costs as may be prescribed by regulations under subsection (d).

(2) Except as provided in subsection (c), transportation of a house trailer or mobile home dwelling under paragraph (1) is in place of the transportation of baggage and household effects the member or member's dependent would otherwise be entitled to have provided.

(3) The cost of transportation of a house trailer or mobile home dwelling under paragraph (1) may not be more than the total cost of transportation (including packing, pick-up, line-haul or drayage, delivery, and unpacking) of baggage and household effects of the member or dependent having the maximum weight authorized for the member or dependent under regulations prescribed by the Secretary concerned.

(4) A house trailer or mobile home dwelling in transit under this section may be stored up to 180 days in accordance with regulations prescribed by the Secretary concerned.

(b) Any payment authorized by this section may be made in advance of the transportation concerned.

(c) A member or member's dependent who is entitled to the transportation of baggage or household effects from a place inside the continental United States or Alaska to a place outside the continental United States or Alaska, or from a place outside the continental United States or Alaska to a place inside the continental United States or Alaska, may be provided the transportation of a house trailer or mobile dwelling under this section, but the total cost to the Government of the transportation of baggage and household effects and the transport of a house trailer or mobile home dwelling may not exceed the cost of transporting baggage and household effects of the member or dependent having the maximum weight authorized for the member or dependent under regulations prescribed by the Secretary concerned.

(d) The Secretaries concerned shall prescribe regulations to carry out this section.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 475; Pub. L. 88-406, Aug. 7, 1964, 78 Stat. 383; Pub. L. 89-718, §§61, 62, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 90-246, Jan. 2, 1968, 81 Stat. 782; Pub. L. 96-342, title VIII, §808(a)(1), Sept. 8, 1980, 94 Stat. 1096; Pub. L. 100-26, §8(e)(6), Apr. 21, 1987, 101 Stat. 286; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 107-314, div. A, title VI, §654(b)(3), Dec. 2, 2002, 116 Stat. 2582.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
409 .....	37:253(c) (12th sentence).	Oct. 12, 1949, ch. 681, §303(c) (12th sentence); added Mar. 31, 1955, ch. 20, §2(13), 69 Stat. 22; Mar. 17, 1958, Pub. L. 85-347, 72 Stat. 37; re-stated Oct. 4, 1961, Pub. L. 87-374, 75 Stat. 804.

The words “the United States, except in Hawaii or Alaska,” are substituted for the words “the continental United States” to conform to the definition of United

States in section 101(1) of this revised title and to reflect the opinion of the Comptroller General in B-139624, June 29, 1959, that Alaska was not included within those words. The words “an agent of the United States” are substituted for the words “the Government”, for clarity. The words “United States” are substituted for the word “Government”. The words “of the uniformed services” are omitted as surplusage in view of the definition of member in section 101(23) of this revised title.

## AMENDMENTS

2002—Subsec. (e). Pub. L. 107-314 struck out subsec. (e) which read as follows: “In this section, the term ‘continental United States’ means the 48 contiguous States and the District of Columbia.”

1991—Subsec. (a)(1) to (3). Pub. L. 102-25 struck out “of this section” and “of this subsection” wherever appearing.

1987—Subsec. (e). Pub. L. 100-26 inserted “the term” after “In this section.”

1980—Pub. L. 96-342 completely revised and expanded provisions covering the travel and transportation allowances for the movement of house trailers and mobile homes, changing the structure of the section from a single unlettered paragraph to one consisting of five subsections lettered (a) to (e).

1968—Pub. L. 90-246 substituted “74 cents” for “51 cents” as maximum allowable cost-of-transportation mileage rate.

1966—Pub. L. 89-718 substituted “household effects” for “household goods” and “48” for “forty-eight”.

1964—Pub. L. 88-406 substituted “continental United States, within Alaska, or between the continental United States and Alaska” for “United States except in Hawaii or Alaska”, “51 cents” for “36 cents”, inserted “by the United States or” in cl. (2), and defined “continental United States”.

## EFFECTIVE DATE OF 1980 AMENDMENT

Section 808(b) of Pub. L. 96-342 provided that: “The amendments made by subsection (a) [amending this section] shall only apply to transportation of house trailers and mobile home dwellings which is completed after September 30, 1980.”

**§ 410. Travel and transportation allowances: miscellaneous categories**

(a) The following persons are entitled to such travel and transportation allowances provided by section 404 of this title as prescribed by the Secretaries concerned—

- (1) cadets of the United States Military Academy;
- (2) midshipmen of the United States Naval Academy;
- (3) cadets of the United States Air Force Academy;
- (4) cadets of the Coast Guard Academy;
- (5) applicants for enlistment;
- (6) rejected applicants for enlistment;
- (7) general prisoners;
- (8) discharged prisoners;
- (9) insane patients transferred from military hospitals to other hospitals or to their homes; and
- (10) persons discharged from Saint Elizabeths Hospital after transfer from a uniformed service.

(b) The Secretary concerned shall, in prescribing allowances under subsection (a), consider the rights of the United States, as well as those of the persons concerned.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 475; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
410(a) .....	37:253(e) (less last 25 words).	Oct. 12, 1949, ch. 681, § 303(e), 63 Stat. 815.
410(b) .....	37:253(e) (last 25 words).	

## AMENDMENTS

1991—Subsec. (b). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

## TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§ 411. Travel and transportation allowances: administrative provisions**

(a) For the administration of sections 404(a), (b), and (d)–(f), 404a, 405, 405a, 406(a)–(f), 407, 409, and 410 of this title, the Secretaries concerned shall prescribe regulations that are, as far as practicable, uniform for all of the uniformed services.

(b) In establishing the rates and kinds of allowances authorized by the sections of this title designated by subsection (a), the Secretaries concerned shall—

- (1) consider the average cost of common carrier transportation when prescribing a monetary allowance in place of transportation;
- (2) consider the current economic data on the cost of subsistence, including lodging and other necessary incidental expenses related thereto, when prescribing per diem rates and designating areas as high cost areas; and
- (3) consider the average cost of transportation and current economic data on the cost of subsistence, including lodging and other necessary incidental expenses relating thereto, when prescribing mileage allowances.

(c) The Secretaries concerned shall determine what constitutes a travel status for the purposes of the sections of this title designated by subsection (a).

(d) The Secretary concerned shall define the term “permanent station” for the purposes of the sections of this title designated by subsection (a). The definition shall include a shore station or the home yard or home port of a vessel to which a member of a uniformed service who is entitled to basic pay may be ordered. An authorized change in the home yard or home port of such a vessel is a change of permanent station.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 476; Pub. L. 89-26, § 1(5), May 22, 1965, 79 Stat. 117; Pub. L. 96-343, § 5(b), Sept. 8, 1980, 94 Stat. 1126; Pub. L. 96-513, title V, § 516(12), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 97-60, title I, § 122(b), Oct. 14, 1981, 95 Stat. 1003; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117.)